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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,531	02/20/2004	Hyo G. Lee	10863-1	3239

7590 09/21/2006

National IP Rights Center, LLC
Suite 400
550 Township Line Road
Blue Bell, PA 19422

EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,531

Applicant(s)

LEE, HYO G.

Examiner

Preeti Kumar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Non-Final Rejection

1. Claims 1-5 are pending.
2. Claims 1, 3, 5 are independent.

Claim Objections

3. Claims 3-4 are objected to because of the following informalities:
Claims 3-4 are a duplicate of claims 1-2. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US 4,917,920) in view of Taniguchi et al. (JP 404082955 A).

Ono et al. teach in example 1, ten kinds of dyed woven fabrics, knitted goods and apparel were soaked (printed or patted) in the resulting emulsion containing the above

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microcapsules and centrifuged to dewater, followed by drying and heating in wet at 120- about 130 C. for 1 minute. The woven fabrics, knitted goods and apparels to which the microcapsules containing the perfume were adhered were forwarded to drying, finishing and setting steps to prepare fragrant woven fabrics, knitted goods and apparel, according to a conventional process. See col.10, example 1.

Ono et al. do not specifically teach fitting the socks over feet molds and steaming the socks to take shape.

Taniguchi et al. teach a process that reduces labor by setting socks to plural foot-moldels attached to a unidirectionally movable endless track, carrying out respective processes such as examination, dyeing, setting, drying and insertion of a ground paper in order and eliminating unnecessary detachment and conveyance operations. See abstract, (English translation).

Taniguchi et al. illustrate socks set to foot-moldels and are subsequently dyed and water washed in a dyeing unit by heating a dye solution supplied from a dye tank and a water source through a heat exchanger and then introducing the solution into a dyeing chamber, then subjected to steam heating set using a following setting unit and dried using a drying unit. See the abstract, (English Translation)

It would have been obvious to one of ordinary skill in the art to modify the teachings of Ono et al. with the claimed steps of fitting the socks over feet molds and steaming the socks to take shape as taught by Taniguchi et al., with a reasonable expectation of success, because the teachings of Taniguchi et al. illustrate the beneficial utility of foot molds in a process of making socks and Ono et al. suggest the

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manufacture of dyed woven fabrics, knitted goods and apparel and soaking the woven fabrics, knitted goods and apparels with microcapsules containing the perfume with subsequent drying, finishing and setting steps to prepare fragrant woven fabrics, knitted goods and apparel, according to a conventional process in general. One of ordinary skill in the art would have been motivated to combine the teachings of Ono et al. with that of Taniguchi et al. since both reference teach the analogous art of manufacturing woven socks.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Note that for purposes of compact prosecution, Examiner has provided Applicant with the English translation of the abstract of Taniguchi et al. (JP 404082955 A). The full translation of the JP publication will be provided to the Applicants as soon as it is made available to the Examiner.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Mc Ginty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Preeti Kumar P.K.
Examiner
Art Unit 1751

PK


DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER
1251